

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ABOLFAZL HOSSEINZADEH,

11 Plaintiff,

v.

12 BELLEVUE PARK HOMEOWNERS  
13 ASSOCIATION, *et al.*,

14 Defendants.

CASE NO. C18-1385-JCC

ORDER

15 This matter comes before the Court on Plaintiff's second motion to compel (Dkt. No.  
16 180). Having considered the parties' briefing and the relevant record, the Court hereby GRANTS  
17 Plaintiff's motion, in part, for the reasons explained herein.  
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19 The Court has described the facts of this case in prior orders and will not repeat them  
20 here. (*See* Dkt. Nos. 34, 143, 144, 149, 150, 167.) Following the Court's previous order on Rule  
21 30(b)(6) motions (Dkt. No. 167) and numerous meet-and-confers, the parties remain at odds  
22 regarding the scope of Defendant Bellevue Park Homeowners Association's (the "Association")  
23 Rule 30(b)(6) deposition. The Court reiterates its position that discovery motions are strongly  
24 disfavored. Nevertheless, it is clear that, at least in this instance, the parties have attempted to  
25 resolve their discovery dispute in good faith and require the Court's intervention before the  
26 Association's Rule 30(b)(6) deposition can go forward. At issue is the propriety of Topics 29, 31,  
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1 33, and 34, as well as the timeframe covered for these topics and the parties' agreed-to topics.  
 2 (*Compare Dkt. Nos. 180, 197, with Dkt. No. 182.*)

3 As the Court previously indicated, "Parties may obtain discovery regarding any  
 4 nonprivileged matter that is relevant to any party's claim or defense and proportional to the  
 5 needs of the case." Fed. R. Civ. P. 26(b)(1). Under Rule 30(b)(6),

6 [A] party may name as the deponent a public or private corporation, a partnership,  
 7 an association, a governmental agency, or other entity and must describe with  
 8 reasonable particularity the matters for examination. The named organization must  
 9 then designate one or more officers, directors, or managing agents, or designate  
 other persons who consent to testify on its behalf; and it may set out the matters on  
 which each person designated will testify . . . The persons so designated shall testify  
 as to the matters known or reasonably available to the organization.

10 This procedure allows a party to obtain sworn admissions that are binding on the organization.  
 11 *Hardin v. Wal-Mart Stores, Inc.*, 2011 WL 11563217, slip op. at 2 (E.D. Cal. 2011). Relevant  
 12 information has generally been considered to be "any matter that bears on, or that reasonably  
 13 could lead to other matter that could bear on, any issue that is or may be in the case."

14 *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978); *but see Cole's Wexford Hotel,*  
 15 *Inc. v. Highmark Inc.*, 209 F.Supp.3d 810, 823 (W.D. Pa. 2016) (describing the narrowed scope  
 16 of discovery after the 2015 amendments to Rule 26(b)(1)). As the Court previously indicated, in  
 17 this instance, relevancy is determined by reference to the allegations and claims in the operative  
 18 Complaint. (*See Dkt. Nos. 144, 167.*) Proportionality is a matter of "the importance of the issues  
 19 at stake in the action, the amount in controversy, the parties' relative access to relevant  
 20 information, the parties' resources, the importance of the discovery in resolving the issues, and  
 21 whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R.  
 22 Civ. P. 26(b)(1).

23     1. Timeframe

24 Plaintiff generally seeks testimony from the Association's Rule 30(b)(6) representative  
 25 regarding events occurring from January 1, 2011 through today. (Dkt. No. 180 at 11–13.) The  
 26 Association argues this timeframe is overbroad, suggesting it be limited to the four-year period

1 preceding the date Plaintiff filed his complaint. (*See* Dkt Nos. 1, 182 at 7–8.) But the  
2 Association’s suggested starting date is arbitrary and inconsistent with Plaintiff’s claims.  
3 Plaintiff alleges that the Association engaged in a pattern of discriminatory behavior beginning  
4 in 2001 and based on this behavior, Plaintiff filed two complaints with the Washington Human  
5 Rights Commission, the second of which was based upon conduct commencing in 2011, which is  
6 the subject of Plaintiff’s discrimination claims. (*See* Dkt. No. 1 at 3–10, 12–16.) Accordingly,  
7 actions taken from 2011 onward are relevant. However, actions taken after Plaintiff filed the  
8 operative complaint are not relevant. Therefore, the Court FINDS that, unless otherwise  
9 indicated below, events occurring from January 1, 2011 through September 19, 2018 are relevant  
10 and proportional.

11       2. Topic 29

12           Plaintiff also seeks testimony from the Association’s Rule 30(b)(6) representative  
13 regarding the Association’s reimbursements to other unit owners for flooding, foundation,  
14 electrical, or plumbing issues. (Dkt. No. 180 at 4.) Plaintiff argues the information is needed to  
15 prove disparate treatment. (*Id.* at 4–6.) The Association responds that this topic contravenes the  
16 Court’s prior order. (Dkt. No. 182 at 8–9.) The Court disagrees. The purpose of this testimony is  
17 not to support claims that the Court has barred Plaintiff from adding, but to support claims  
18 already included in the operative complaint. (*See* Dkt. No. 180 at 3–10, 12–16.) Therefore, the  
19 Court FINDS that Topic 29 is relevant and proportional.

20       3. Topic 31

21           Plaintiff seeks testimony involving the Association’s policies, practices, and procedures  
22 regarding the installation of satellite dishes and, specifically, the Association’s involvement in  
23 the installation and eventual removal of the dish serving Plaintiff’s unit. (Dkt. No. 180 at 6–8.)  
24 This Court FINDS that this information is relevant to Plaintiff’s discrimination-based claims  
25 against the Association and, in the form provided, proportional to Plaintiff’s need for this  
26 information.

1       4. Topic 33

2             Plaintiff seeks testimony about the Association's policies, practices, and procedures  
3 regarding the community members' involvement in a special homeowners' meeting held on  
4 January 31, 2017 to remove Board members and to vote for a new Board. (*Id.* at 8–10.) But the  
5 Association had no role in this meeting. It was a meeting of the homeowners. (See Dkt. No. 183  
6 at 6.) The Court FINDS that this is not a relevant topic and, accordingly, Topic 33 need not be  
7 addressed in testimony by the Association's Rule 30(b)(6) representative.

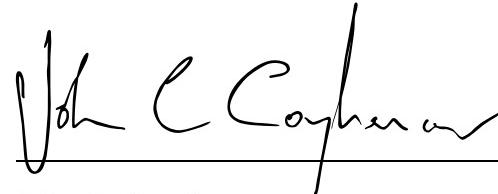
8       5. Topic 34

9             Finally, Plaintiff seeks testimony relating to the Association's policies, practices, and  
10 procedures regarding common area maintenance and, specifically, upkeep of the grounds,  
11 planting trees, and watering plants. (*Id.* at 10.) The Court is puzzled by this topic. Plaintiff  
12 alleges disparate treatment by the Association, which includes allegations that Association  
13 representatives watered plants on behalf of other members but not Plaintiff. (Dkt. No. 1 at 6.) But  
14 this topic is focused on "common area[s]." (Dkt. No. 180 at 10.) By definition, this excludes  
15 member-owned plants. The Court FINDS that this is not a relevant topic and, accordingly, Topic  
16 34 need not be addressed in testimony provided by the Association's Rule 30(b)(6)  
17 representative.

18             For the foregoing reasons, the Court GRANTS Plaintiff's motion to compel (Dkt. No.  
19 180), in part, without an award of attorney fees.<sup>1</sup>

20             DATED this 30th day of December 2020.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

1             <sup>1</sup> The Court FINDS that the Association's objections to Plaintiff's requested topics were  
substantially justified, precluding an award of attorney fees. See Fed. R. Civ. P. 37(a)(5)(A)(ii).